IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 19037 of 2005(N)

PETITIONER:

SUDHAKARAN, AGED 53 YEARS,
S/O. GOPALAN, VELIYAKATH, CHERUVARANAM,
VARANAM P.O., CHERTHALA.

BY ADV. SRI.V.N.SWAMINATHAN,
SRI.K.J.FELIX.

RESPONDENTS:
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1. **GOPINATHAN, AGED ABOUT 45 YEARS,**
   S/O. PADMANABHAN, KOVILAKATHU HOUSE,
   CHERUVARANAM, VARANAM P.O., CHERTHALA.

2. **SANTHI, AGED ABOUT 35 YEARS,**
   W/O. GOPINATHAN, DO. DO.

3. **STATE OF KERALA, REPRESENTED BY**
   THE CHIEF SECRETARY, SECRETARIAT,
   THIRUVANANTHAPURAM.

BY ADV. SRI.D.PREM KAMATH,
GOVT.PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.19037/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PLAINT NO. C.M.P. 109/02 DTD. 17/04/2002.

EXT.P.2: COPY OF THE WRITTEN STATEMENT DTD. 22/02/2003.

EXT.P.3: COPY OF THE APPLICATION NO. I.A. 2477/04 IN O.S. 419/02,MUNSIFF'S COURT, CHERTHALA, DT. 01/09/2004.

EXT.P.4: COPY OF THE OBJECTION FILED BY RESPONDENTS 1 AND 2 DTD. 17/11/2004.

EXT.P.5: COPY OF THE ORDER IN I.A. 2477/04 IN O.S. 419/02 MUNSIFF COURT, CHERTHALA.

EXT.P.6: COPY OF THE I.A. 922/05 IN O.S. 419/02, MUNSIFF COURT, CHERTHALA.

EXT.P.7: COPY OF THE OBJECTION FILED BY RESPONDENT 1 AND 2 IN O.S. 419/02 DTD. 26/05/2005.

EXT.P.8: COPY OF THE ORDER IN I.A. 922/05 IN O.S. 419/02, PRINCIPAL MUNSIFF COURT, CHERTHALA, DT. 01/06/2005.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.19037 of 2005

Dated 9th August, 2007.

J U D G M E N T

O.S.419/02 on the file of the Munsiff Court, Cherthala is held up due to the pendency of this writ petition. The petitioner approached this Court at a time when the said court issued Ext.P5 direction to the Advocate Commissioner to prepare commission report, taking into consideration the documents of title of the petitioner. According to the petitioner, he does not have a document. If that be so, it is a matter for the petitioner to bring to the notice of the Commissioner. According to respondents 1 and 2 in view of the decree in O.S.14/86 on the file of the Munsiff Court, Cherthala, the said contention cannot be contenanced. Be that as it may, these are all matters for the Advocate Commissioner to look into at the time of preparing the report. It will be open to both sides to bring all the relevant materials before the Advocate Commissioner and the Commissioner will prepare the report expeditiously.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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